

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: PORK ANTITRUST LITIGATION

This Document Relates To:

Sysco Corp. v. Agri Stats, Inc., et al.,

Case No. 21-cv-1374 (D. Minn.)

Case No. 0:18-cv-01776-JRT-HB

**DECLARATION OF CRAIG COLEMAN IN SUPPORT OF
DEFENDANTS' MEMORANDUM IN OPPOSITION TO
JOINT MOTION FOR SUBSTITUTION OF PLAINTIFF**

I, Craig S. Coleman, declare and state as follows:

1. I am an attorney licensed to practice in the States of Minnesota. I practice law with the law firm Faegre Drinker Biddle & Reath LLP. I represent Hormel Foods Corporation in this case. I have personal knowledge of the facts set forth below, and make this declaration in support of Defendants' Memorandum in Opposition to Joint Motion for Substitution of Plaintiff.

2. On July 6, 2023, I attended a meet and confer between counsel for Defendants and counsel for both Sysco Corporation ("Sysco") and Carina Ventures LLC ("Carina").

3. During the meet and confer, Carina said that it would consent to some unspecified, limited discovery if Defendants did not oppose the Joint Motion, and Sysco indicated that it would make some witnesses available for trial as if it were a party to the litigation.

4. Sysco and Carina stated their opposition to providing discovery related to the terms of the assignment or the settlement agreement between Sysco and Burford Capital Limited (“Burford”). Sysco and Carina refused to discuss how the substitution would affect Defendants’ concerns related to the conduct of any potential trial of Sysco’s claims.

5. Carina would not provide assurances about: (1) its ability to cover any sanctions or costs that may be incurred for discovery-related issues or bad-faith findings that might arise from its continuing speculation on claims that Sysco would prefer to resolve; or (2) its willingness to accept liability for any prior actions taken by Sysco in this litigation.

6. Carina would not address Carina’s assets other than the claims purportedly assigned to it by Sysco.

7. To facilitate the Court’s review of the record, this declaration attaches as exhibits several filings from Sysco’s litigation against Burford-affiliated entities in *Glaz LLC v. Sysco Corp.*, Case No. 1:23-cv-02489-PPG (S.D.N.Y. June 12, 2023). The documents have been attached as filed in that litigation, including cover sheets, redactions, and confidentiality designations. All such exhibits are publicly available through the Southern District of New York’s Electronic Court Filing system. Attached hereto as Exhibit A is a true and correct copy of Exhibit G to the Declaration of Patrick Swiber, as filed on the public docket at ECF No. 38-7 in *Glaz LLC v. Sysco Corp.*, Case No. 1:23-cv-02489-PPG (S.D.N.Y. June 12, 2023).

8. Attached hereto as Exhibit B is a true and correct copy of a printout from the Delaware Secretary of State, Division of Corporation's website depicting entity information the Secretary of State maintains for Carina Ventures, LLC.

9. Attached hereto as Exhibit C is a true and correct copy of excerpts of the Transcript of the Deposition of Joe Don Eilers. (Filed Under Seal)

10. Attached hereto as Exhibit D is a true and correct copy of excerpts of the Transcript of the 30(b)(6) Deposition of Sysco Corporation. (Filed Under Seal)

11. Attached hereto as Exhibit E is a true and correct copy of Exhibit N to the Declaration of Patrick Swiber, as filed on the public docket at ECF No. 38-14 in *Glaz LLC v. Sysco Corp.*, Case No. 1:23-cv-02489-PPG (S.D.N.Y June 12, 2023).

12. Attached hereto as Exhibit F is a true and correct copy of Exhibit M to the Declaration of Patrick Swiber, as filed on the public docket at ECF No. 38-13 in *Glaz LLC v. Sysco Corp.*, Case No. 1:23-cv-02489-PPG (S.D.N.Y June 12, 2023).

13. Attached hereto as Exhibit G is a true and correct copy of Exhibit D to the Declaration of Patrick Swiber, as filed on the public docket at ECF No. 21-4 in *Glaz LLC v. Sysco Corp.*, Case No. 1:23-cv-02489-PPG (S.D.N.Y May 3, 2023).

14. Attached hereto as Exhibit H is a true and correct copy of an email thread received from Chris Smith, counsel for Triumph Foods, LLC.

15. Attached hereto as Exhibit I is a true and correct copy of excerpts of the Transcript of the 30(b)(6) Deposition of Amory Investments LLC. (Filed Under Seal)

16. Attached hereto as Exhibit J is a true and correct copy of Deposition Exhibit 2 from the 30(b)(6) Deposition of Amory Investments LLC. (Filed Under Seal)

17. Attached hereto as Exhibit K is a true and correct copy of Deposition Exhibit 3 from the 30(b)(6) Deposition of Amory Investments LLC. (Filed Under Seal)

18. Attached hereto as Exhibit L is a true and correct copy of Deposition Exhibit 4 from the 30(b)(6) Deposition of Amory Investments LLC. (Filed Under Seal)

19. Attached hereto as Exhibit M is a true and correct copy of Deposition Exhibit 5 from the 30(b)(6) Deposition of Amory Investments LLC. (Filed Under Seal)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 21, 2023, in Minneapolis, Minnesota.

/s/ Craig S. Coleman